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The plaintiff, by and through his attorney Gary S. Fish, Esq., sets forth the following as his First Amended Complaint, pursuant to the entered Sept. 17, 2019, Order of The Honorable J. Paul Oetken, United States District Court Judge, Southern District of New York, directing plaintiff's counsel to file and serve a First Amended Complaint herein, no later than October 8, 2019, which initial complaint was filed in Court on April 19, 2019, 1139AM, and served on defendant The City of New York on May 7, 2019, 1251PM.

-----X

DEFENDANTS.

THE CITY OF NEW YORK; POLICE OFFICER
DARNELL JONES; DETECTIVE FRANKIE SOLER;
AND SERGEANT JOSE PEREZ,

(Plaintiff demands a trial by jury
Of all issues herein)

PLAINTIFFS' FIRST AMENDED
COMPLAINT (per Sept. 17, 2019
Order of The Hon. J. Paul Oetken,
United States District Court Judge)

-against-

PLAINTIFF,

JAHUMI HARRIGAN,

-----X CASE NO: 19 CV 3489 (JPO)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Gary S. Fish, Esq. (GSF 6551)
Attorney for the Plaintiff
30 Vesey Street, 15th Floor
New York, New York 10007
(212) 964-5100

I. PARTIES AND JURISDICTION

1. On or about April 23, 2016, and at all times relevant herein, the plaintiff, an African-American Male, resides at 230 West 131st Street, #7E, NY, NY 10027.

2. On or about April 23, 2016, and at all times relevant herein, on information and belief, the defendant The City of New York was and is a domestic corporation lawfully organized and existing under the laws of the State of New York, and on said date and at all times relevant herein, said defendant had and has a principal place of business located at 530 Municipal Building, New York, New York 10007.

3. On or about April 23, 2016, and at all times relevant herein, on information and belief, previously designated defendants “John Doe” and “Richard Roe”, whose true names were presently unascertained, when the initial complaint herein was filed in Court on April 19, 2019, 1139AM, Receipt #ANYSDC-16732922, were and are respectively Police Officer Darnell Jones, Shield #4160, NYPD, 20th Precinct, 120 West 82nd Street, NY, NY 10024, and Detective Frankie Soler, Shield #27130, NYPD, 41st Precinct, 1035 Longwood Avenue, Bronx, NY 10459 (defendant Detective Soler was at the time of this alleged 4-23-16 incident, the partner of defendant Police Officer Darnell Jones) and each act of wrongdoing herein after alleged to have been committed by said defendants was committed within the scope of their agency and/or authority and/or employment and/or a municipality implemented policy, statement, ordinance, regulation and/or decision officially adopted by that body’s officers, resulting in the herein after stated constitutional violations, on behalf of defendant The City of New York, which expressly and/or impliedly ratified each act of wrongdoing herein after alleged to have been committed by defendant Police Officer Darnell Jones (“John Doe”

previously) and defendant Detective Frankie Soler ("Richard Roe" previously).

4. Pursuant to 28 U.S.C. Section 1343(a)(3), the Federal Court herein has original jurisdiction to redress the deprivation of civil rights under color of any State law, statute, ordinance of any right privilege, or immunity secured by the U.S. Constitution, providing for equal rights of citizens or of all persons within U.S. jurisdiction, and jurisdiction exists herein.

5. On or about April 23, 2016, and at all times relevant herein, defendant Sergeant Jose Perez, who assisted defendants Jones and Soler herein, was the supervising officer at the scene of the herein after described arrest of plaintiff, and this defendant at all times relevant herein, Shield #4499, NYPD, had and has a place of business located at Manhattan North Specialized Unit, 530 West 126th Street, NY, NY 10027, and each act of wrongdoing herein after Alleged to have been committed by this defendant was committed within the scope of his agency And/or authority and/or employment and/or part of a willful and/or deliberately implemented policy, rule, regulation and/or order of the aforesaid municipality defendant The City of New York.

6. Pursuant to 28 U.S.C. Section 1391(b), in a case in which jurisdiction is not solely founded on diversity jurisdiction, such as the present case, venue is proper where the defendant resides or a judicial district where a substantial part of the events giving rise to the claim occurred, and venue is proper therefor in the United States District Court, Southern District of New York.

COUNT I
(VIOLATION OF FOURTH AMENDMENT CLAIM PURSUANT TO 42 U.S.C. SECTION 1983)

7. On or about April 23, 2016, at approximately 1200AM, while the plaintiff was lawfully traversing in and around 131st and 8th Avenue, NY, NY and was drinking a non-alcoholic

beverage, to wit, a Red Bull, out of a cup with ice, the defendants, plainclothes police officers, told plaintiff to “stop right there” and requested that plaintiff produce his identification as well as his job ID which identified him correctly as a Registered Nurse.

8. After produced his two (2) forms of ID as so noted, defendants Jones, Soler and Perez surrounded plaintiff, took the cup filled with ice out of his hand, and then identified themselves for the first time, as police officers.

9. Although plaintiff fully complied with said defendant police officer requests, one defendant stated “What do you want to do with him” and the other defendant police officer, believed to be defendant Soler stated “We can just take him (in)”, and plaintiff was then arrested for open container of alcohol, Summons #4421930510, Docket #2016SN024381.

10. The arrest of plaintiff constituted a violation of his Fourth Amendment right against unreasonable searches and seizures as defendants, who were acting herein willfully and deliberately according to a municipality implemented policy, statement, ordinance, regulation and/or decision officially adopted by that body’s officers herein, did not have reasonably articulable suspicion to arrest plaintiff after he complied with defendants request to produce his two (2) forms of ID, with which he did so comply, an defendant The City of New York expressly and/or implied ratified said conduct.

11. As a result of defendants’ constitutional violation herein, plaintiff was caused to sustain Loss of liberty, and sustained anxiety, stress and depression.

12. As a result of defendants’ constitutional violation herein, plaintiff was caused to sustain injuries to his right wrist, right shoulder, right hand, and body, and incurred

hospital, medical and medical-related expenses.

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19. The criminal prosecution of plaintiff, an African-American Male was part of a
The criminal case against plaintiff, as aforesaid, was dismissed.
probable cause and/or was malicious, and was favorably terminated on July 20, 2016 when
18. The criminal prosecution against plaintiff, was wanton, willful, egregious, without
17. Plaintiff herewith repeats, restates and realleges Paragraphs 1-16 herein above.

COUNT III
(VIOLATION OF 42 U.S.C SECTION 1983, MALICIOUS
PROSECUTION)

expressly and/or impliedly ratified said conduct.
resulting in a constitutional violation, and defendant The City of New York also
policy, ordinance, regulation and/or decision officially adopted by that body's officers,
16. Defendants' excessive force was the result of a municipality implemented statement,
constitutional rights.
plaintiff, resulting in the aforesaid injuries and damages, in violation of plaintiff's
a harmful and/or offensive touching, unprivileged and/or unjustified, with the person of
15. At all times relevant herein, defendants used excessive force and/or intentionally made
14. Plaintiff herewith repeats, restates and realleges Paragraphs 1-13 herein above.

COUNT II
(VIOLATION OF 42 U.S.C. 1983, EXCESSIVE FORCE)

is also attached hereto.
Disposition #66377. The July 8, 2019 executed and notarized unsealing authorization,
Cataldo, Part SAP, 346 Broadway, NY, NY 10013, per the attached certificate of
13. The criminal case against plaintiff was dismissed on July 20, 2016, by Judge J.

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1. For general damages in the amount of Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00);
2. For punitive and exemplary damages in the amount of One Million Dollars and Zero Cents (\$1,000,000.00);
3. For reasonable attorney fees and costs;
4. For disbursements; and

AS AND FOR THE THIRD COUNT:

4. For any other just relief deemed proper by the Court.
3. For disbursements; and
2. For costs;
1. For damages in the amount of Two Hundred Thousand Fifty Dollars and Zero Cents (\$250,000.00);

AS AND FOR EACH OF THE FIRST AND SECOND COUNTS:

WHEREFORE, plaintiff prays for relief as follows:

reasonable attorney fees and costs.

21. As a result of defendants violation of 42 U.S.C. Section 1983, the plaintiff incurred plaintiff's liberty and property rights, and defendants are therefor liable for punitive damages. intentional, egregious, oppressive and odious, was calculated to and did result in loss of

20 Defendants violation of 42 U.S.C. Section 1983, was willful, and deliberate, wrongful,

City of New York expressly and/or impliedly ratified said conduct herein.

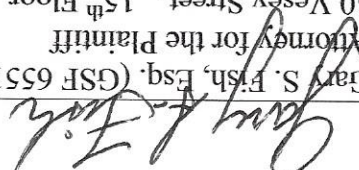
adopted by that body's officers, resulting in constitutional violations herein, and defendant The

allegedly committed alcohol-related violations in public, which said policy was officially

decision to arrest and criminally prosecute individuals, including African-American Males, who

19 (con) municipality implemented policy, statement, ordinance, regulation and/or

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Gary S. Fish, Esq. (GSF 6551)
Attorney for the Plaintiff
30 Vesey Street, 15th Floor
NY, NY 10007; (212) 964-5100

Respectfully submitted,

DATED: NEW YORK, NEW YORK
OCTOBER 3, 2019

5. For any other just relief deemed proper by the Court.

From: NYSJSD_ECF_Pool <NYSJSD_ECF_Pool@nysd.uscourts.gov>
To: CourtMail <CourtMail@nysd.uscourts.gov>
Subject: Activity in Case 1:19-cv-03489 Harrigan Complaint
Date: Fri, 19 Apr 2019 11:39

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Fish, Gary on 4/19/2019 at 11:39 AM EDT and filed on 4/19/2019

Case Name:

Harrigan

Case Number:

1:19-cv-03489

Filer:

Jahumi Harrigan

Document Number: 1

Docket Text:

COMPLAINT against Jahumi Harrigan. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16732922) Document filed by Jahumi Harrigan.(Fish, Gary)

1:19-cv-03489 Notice has been electronically mailed to:

Gary Stuart Fish garysfishesq@aol.com

Jahumi Harrigan garysfishesq@aol.com

The following document(s) are associated with this transaction:

Document description:

Original filename:

Electronic document Stamp:

CITY OF NEW YORK
OFFICE OF CORP. COUNSEL
COMMUNICATIONS UNIT

2019 JUL -8 P 4:05

AUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE
COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

COURT OFFICIAL SIGNATURE AND SEAL

DATE

07/08/2019

HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.

JUDGE
CATALDO, J
PART
SAP

7/20/2016 DISMISSED

COURT ACTION

BASE DISPOSITION INFORMATION:

ARRAIGNMENT CHARGES

VC 10-125(b) V

SUMMONS NUMBER: 4421930510

DOCKET NUMBER: 2016SN024381

ISSUE DATE

04/23/2016

CITY STATE ZIP

NEW YORK NY 10027-2022

ADDRESS

230 W 131ST ST 7E

DEFENDANT

HARRIGAN, JAHUMIA

VS.

THE PEOPLE OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

DATE OF BIRTH

04/30/1987

FEE:

\$10.00

NUMBER: 68377

CERTIFICATE OF DISPOSITION

CITY OF NEW YORK DEPT.
OFFICE OF CORP. COUNSEL
COMMUNICATIONS UNIT

2019 JUL -8 P 4:05

Commissioner of the City of New York
No. 10852
Commission Expires May 1, 2021

NOTARY PUBLIC

Sworn to before me this 8th day of July, 2019

authorized agent or employee of the City of New York, or its
agent and bookkeeper to the Office of the Corporation Counsel of the City of New York, or its
City Criminal Court to disclose any and all records in their possession relating to the aforementioned

Attorney's Office, New York State Supreme Court, County, Criminal Term, and New York
County District

employee. I specifically authorize the New York City Police Department, County District
Commissioner of the Office of the Corporation Counsel of the City of New York, or its authorized agent or

books and employees having custody of such records to release such records to the Office of the
review my claim, and prepare its defense thereto. I hereby authorize any and all governmental agencies,

records of my arrest and any related criminal proceedings and incarceration in order to evaluate and
Whereas, it is necessary for the City of New York to have access to the aforementioned

my case proceeded in the criminal courts, the docket # was 2016SN024381
all records maintained by law enforcement agencies, criminal courts, and/or district attorney's office. If

of this claim, to keep sealed the records of my arrest on or about 4-22-2016, including
prosecution, assault and battery, and/or other allegations. I hereby waive my privacy rights, for purposes

upon the City of New York, demanding money damages for false arrest, false imprisonment, malice
having caused a Notice of Claim to be served

Security # 070749017 NYSID # 1
230 West 131st Street, Apt 4E, NY, 10029
date of birth: 11/30/1987 and Social

Whereas, I, Jahumi Kasonga, residing at
INCLDING RECORDS SEALED FOR RELEASE OF RECORDS MAINTAINED BY LAW
ENFORCEMENT AGENCIES, CRIMINAL COURTS, AND/OR DISTRICT ATTORNEY'S OFFICE.